Vol. VI. Numb. 30

THE OBSERVATOR.

The Under-Spur-Leathers *are at work.* *The* Engliſh *Conſtitution not loſt, by the* Union *with* Scotland. *The Power of* Parliament, *and the Rights of* Engliſh-*men ſtill the ſame, notwithſtanding the* Union. *The ſame Power that* enacts, *may* repeal. *Fighting or not Fighting in* Flanders. *Of detaching* 12000 *Men from Prince* Eugene's *Army for* Spain.

From Wednesday, June 11 to Saturday, June 14. 1707.

Obſ. WELL, *Roger*, thou look'ſt cloudy ſtill: More ill News?

Country-m. Ill all over; the publick Face every where looks like yours, fallen from a *Bacchus* to a *Pigmy*. I can't reſt a Nights; I dream of nothing but Battails Abroad, and Deſtruction at Home of civil Liberties; I ſhall never be my own Man again.

Obſ. Perilous Times for the poor *Obſervator*, and his *Country-man*, *Roger*; one is hardly got up, before the other is got down; and betwixt 'em both they an't able to keep a Nurſe. Come, *Roger*, out with your Grievances, *Solamen Miſeris*; your unhappy Friend may help you to ſome Comfort; we muſt ſtand Foot to Foot, and fight it out.

Country-m. Maſter, I am ſunk in my Spirits below the Reach of *October*; and therefore if you have any Kindneſs for poor *Roger*, let our Diſcourſe this Evening be of the Countenance of Affairs Abroad, and at Home.

Obſ. With all my Heart. Begin at Home firſt; let ſome Body mind the particular Intereſt of our dear Country.

Country-m. Oh, my dear *England!* I will call it ſo ſtill, and my ſelf an *Engliſh*-man, tho' I am told we have loſt our Conſtitution, by the *Union* with *Scotland*.

Obſ. How, *Roger!* Who dares ſay ſo?

Country-m. Here I have it in Print, and the Doctrine is preach'd to both Kingdoms.

Obſ. Read it, read it, *Roger*.

Country-m. It is thus: *There is no Power on Earth, that is capable of breaking the* Union *between theſe Nations.*

The Parliament *of* England *could not do it, when they were a Power; and I ſhall not take the Advantage of ſaying, they are now no Power at all: But as a Power, and when in full Power to act, they could not do it. Since by the very Treaty it is ſtipulated, That what ever Law in* England *contradicted, or controvers'd the Treaty, ſhould ſtand repeal'd by the Treaty.* And in another Place, he ſays ——

Obſ. Hold, *Roger*, let us take him as he goes; not too much at a Time.

I muſt ſet you right, *Roger*, in theſe Things. Some People have always their *Under-Spur-Leathers*, whoſe Buſineſs it is to write, and talk in Vindication of whatever they do, who ſet 'em on work: By this Means you have Fools cry'd up for Politicians; Knaves for honeſt Men; Cowards for Men of Valour and Magnanimity; and the baſeſt Contrivances for the Deſtruction of the Peoples Liberties, as Projects for the common Good: Never heed what is written or ſpoken on the Behalf of Parties.

But, *Roger*, to the Point. Is there no Power on Earth, that is capable of breaking the *Union* between the Nations? Pray, by what Power were the Nations united? Was it not by the Power of Parliament? Was it not enacted *by the common Conſent of all the People?* And has not the enacting Power, the repealing Power alſo? Theſe two Powers are ſo inſeparably united, that *one* cannot ſubſiſt without the *other*; and without *both*, there can be no Legiſlative Power; and theſe two Powers have our Parliaments been veſted with, long before the *Norman*.

Well, but ſays he, *the Parliament of* England *could not do it when they were a Power.* This is, I heartily thank him, making that *Auguſt* Aſſembly a Company of *Under-Spur-Leathers* too: He might have told who hir'd 'em and pay'd 'em, and may be forc'd to do it, if that Great Body thinks fit to vindicate their own Reputation, by taking Notice of him. What can't a Parliament of *England* do? Was their Power ever limited and reſtrain'd, but by Orders and Rules of their own making, and by thoſe, no longer 'till they pleas'd to alter them? Is it not the conſtant Cuſtom of Parliaments to repeal Laws, even in the very next Seſſions after they were enacted? And ſo might the Parliament of *England* have done by the *Union* Treaty; tho' they had paſs'd a Law empowering Commiſſioners to treat, they left themſelves Judges of the concluded Articles, and might have *conſented* or *diſſented*, as they pleas'd.

I thank him very heartily too, that he will not inſult us in our forlorn Eſtate, and *take the Advantage over us, of ſaying, that our* Parliament *has now no Power at all.*

A Perſon veſted with a Power, can't be ſaid to loſe that Power in an Interval of Execution. The Power is the ſame, tho' the Agent be at a Stand. A King is a King, as well ſleeping as waking; as well in his Retirement from the Affairs of State, as when he is actually at the Council-Board, or preſent in Parliament; 'tis the ſame Thing with the Repreſentative, Legiſlative Power: No Adjournment of Seſſion, no Prorogation, nay, no Diſſolution can vacate the Power of Parliaments; for 'tis not the Names of the Members, that give Life and Being to Parliament; the Power of Parliaments proceeds from the Electing Power of the People, which can never be deſtroy'd, until ſuch Time as the Electors are deſtroy'd. This Gentleman ſhakes his Chains at *Engliſh*-men, and inſults all, and every one of the People, in inſulting our Parliament. Well,

Well, but he will ſay, 'tis not a Parliament of *England*, but a Parliament of *Great Britain*. We don't diſpute about Names, the Members for *England*, were choſen Members of a Parliament of *England*; and if their Title be alter'd, it was by their own Conſent, and they may not improperly be call'd after their ancient Denomination, if that Rule in Philoſophy, *Denominatio, Sumitur a Majori* will alſo take Place in Politicks, for we have not loſt one Member of our Number by the *Union*.

But call it the *Britiſh* Parliament, or the Parliament of *Great Britain*, 'tis a Parliament ſtill; and the Thing without the Power, is a Shadow without a Subſtance: But here the Thing is the ſame; for the Power of Parliament is inſeparable from its very Eſſence, without its repealing and enacting Power, it is a meer nothing; our Conſtitution is Parliaments, and the Power of Parliaments cannot be deſtroy'd, without the Deſtruction of our Conſtitution, and the free Birth-Rights of *Engliſh*-men.

Country-m. But, Maſter, in another Paper, he calls the *Union*, *The End of one Conſtitution, and the Beginning of another.*

Obſ. It was one Article againſt Dr. *Drake*, in the Information againſt him in the *Crown-Office*, that he ſhould write and cauſe to be publiſh'd, *That by the Revolution we loſt our Conſtitution, and all our Civil Rights and Properties depending thereupon, ceas'd with it.* Certainly our Conſtitution can never be loſt, either by *Revolution* or *Union:* It may be taken Priſoner; it may be betray'd into the Hands of tyrannical Powers; but even there it has Life and Being, and may be retaken and recover'd. To tell us of a new Conſtitution, is to tell us, that our Fore-Fathers were Fools to ſeal the Charters of their Freedoms with their own Blood; and to tell us, that our Conſtitution is at an End, is ſpeaking out, and telling us in plain *Engliſh*, that we are Slaves; that we have loſt what was immemorially the Rights of our Anceſtors, and thoſe valuable Priviledges, to which we were Free-born.

Roger, don't concern thy ſelf about this Matter; we have not loſt our Conſtitution by the *Union*, it is ſtill the ſame, and will be; for *Engliſh*-men will give up Life and Liberty together.

And what this Author means by putting an End to our old Conſtitution, and introducing a new one, ſeems to be a Deſign of Embarraſsment on the *Union*, and to ſet People a ſtaring and talking of it.

The Noiſe about the Importation of Wines and other *French* Commodities before the firſt of *May*, has no Relation to the *Union*; 'twas a Thing overlook'd, and 'tis only the Knaves of both Kingdoms make an ill Uſe of it. Yet, 'tis Pity, the fair Merchant ſhould ſuffer by clandeſtine Practices Pro or Con; but 'tis the common Fate of honeſt Men to ſuffer; that's their Portion in this Life. —— Well, *Roger*, what diſturbs thee from Abroad?

Country-m. Maſter, I want a fighting Story from *Flanders*.

Obſ. I tell thee, *Roger*, no Body is to fight Majority of Numbers, but the *Obſervator*; they don't like it themſelves when they come to it. I proteſt I thought we ſhould have eat up all thoſe *French* Fellows at a Breakfaſt, when I heard how much we depended upon the Goodneſs of our Troops, notwithſtanding the Superiority of the Enemies Numbers: I can't tell neither what to think of the *French* Army; 'tis a meer *Hydra*, we kill'd and took moſt of 'em laſt Year, and they're grown up again like Muſhrooms.

But now, the *Under-Spur-Leathers*, are about Town, telling of you, 'tis no Policy to fight but at a great Advantage, and not to fight at all, will be truer Policy than that. It may be ſo, but *Engliſh*-men and every Body elſe, got their Conqueſts by fighting; and when they wickedly fought one againſt another in the Bowels of their own Country, one Party of them never valu'd Numbers, and yet they beat all they fought with. Fight or not fight, 'tis all one to the *Obſervator* and his *Country-man*; but certain I am, the Majority of 20000 Men in 100 or 120000 Men, is not ſo great, as ſix Ruffians to a ſingle Perſon. Beſides, all our Accounts have told us, that the *French* Army has been recruited with raw Youth, and what are they to veterane Forces? And let me tell you, that a Battel, let the Event be what it will, will be the Ruin of *France*; for *if we are worſted, the French are beaten.*

Country-m. Maſter, I don't like one Thing on the Prints. They ſay, 12000 Men are to be drawn from Prince *Eugene*'s Army, to be ſent to *Spain*; which with the 12000 gone for *Naples*, will much diminiſh his Army. I am afraid the Deſign of entering *Dauphiny* will either be laid aſide, or not have its wiſh'd Effect, by Reaſon of theſe Detachments.

Obſ. Let the Managers take Care of that. Some People have done their Buſineſs, before others are out of their Beds: The ſlower Bodies do move the greater they ſeem to be, or at leaſt they think themſelves, *Semper Auguſtus.* Some Powers always bring their Forces to the Field in the Month of *Auguſt*, when others have 'em there in *March* and *April*. Come, *Roger*, remembring the poor Fellows that run away from the Lines of *Stolhoffen*. Let us go to Bed, and dream of fighting Stories.

Country-m. And ſleep away Sorrow.

There is now publiſh'd,

*** The preſent State of Great Britain under the auſpicious Government of her moſt ſacred Majeſty Queen Ann. Containing, 1. A general Deſcription of England, Scotland, and Wales, through their ſeveral Cities, Counties, Diſtricts, Principalities, &c. 2. Of the preſent Genius, Language, Trade, Laws, and Religion of the Britains. 3. Of the ſeveral Ranks and Orders of Men; the Nobility, Gentry, Clergy, and Commonalty. With a particular Account of Precedency, from the firſt Peer, to the meaneſt Peaſant. Taken from the Authorities of the beſt Lawyers, both common and civil, as well as Antiquaries, Heralds, &c. ſuch as Cambden, Selden, Segar, Ferne, and many others. 4. Of the preſent Monarchy of Great Britain, its Greatneſs and Power, the Sovereign's Prerogative, Dignity, Title, and Arms. Her Court, Forces, and Revenues of the preſent Princes and Princeſſes of the Blood Royal, and the Succeſſion to the Crown, as ſettled by Act of Parliament. 5. Of the High-Court of Parliament, Privy-Council, and all Courts of Judicature. With the neweſt and moſt perfect Liſt of her Majeſty's Officers in Church and State, and of the preſent Parliament and Convocation of Great Britain. Sold at the Publiſhing-Office, in Bearbinder-Lane, near Stocks-Market.

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LONDON, Printed for the Author, JOHN TUTCHIN.